



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/911,856	07/25/2001	David Mack	03848.00091

22907  
BANNER & WITCOFF  
1001 G STREET N W  
SUITE 1100  
WASHINGTON, DC 20001



CONFIRMATION NO. 4786

## FORMALITIES LETTER



\*OC000000006464449\*

Date Mailed: 08/23/2001

## 10/24/2001 SDIRETA1 00000063 190739 09911856 NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

01 FC:101 740.00 CH  
02 FC:105 130.00 CH  
03 FC:103 1566.00 CH  
04 FC:102 924.00 CH

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$2446.
  - \$1566 for 87 total claims over 20.
  - \$880 for 11 independent claims over 3.
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 3286.**

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

10/24/2001 SDIRETA1 00000063 09911856

01 FC:101 740.00 CH  
02 FC:105 130.00 CH  
03 FC:103 1566.00 CH  
04 FC:102 924.00 CH



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application Of:	)	Group Art Unit: 1631
	)	
David MACK	)	BOX: MISSING PARTS
	)	
Serial No.: 09/911,856	)	
	)	Docket No. 003848.00091
Filed: July 25, 2001	)	
	)	
For: <b>EXPRESSION MONITORING FOR</b>	)	
<b>GENE FUNCTION IDENTIFICATION</b>	)	

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF**  
**NONPROVISIONAL APPLICATION UNDER 37 C.F.R. § 1.53(b)**

Assistant Commissioner of Patents  
Washington, D.C. 20231  
Attn: Box Missing Parts

Dear Sir:

In response to the Notice to File Missing Parts Of NonProvisional Application, dated August 23, 2001, Applicant is hereby submitting the statutory basic filing fee, joint declaration (previously filed in parent application no. 09/341,302) and late filing fee for the above-referenced application.

The Commissioner is authorized to charge **\$3,360.00** to Deposit Account No. 19-0733, to cover the following:

- \$ 740.00 - Basic Filing Fee;
- \$ 1,566.00 – 87 total claims over 20;
- \$ 924.00 – 11 independent claims over 3; and
- \$ 130.00 - Surcharge for late filing fee.

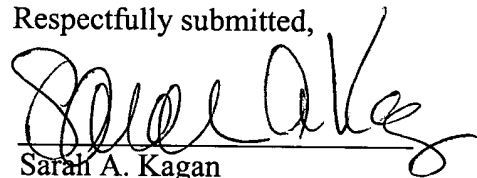
It is believed that these fees as calculated are correct. However, if an additional fee is required, please charge Deposit Account No. 19-0733.

October 23, 2001

Banner & Witcoff, LTD.  
Eleventh Floor  
1001 G Street, N.W.  
Washington, D.C. 2001  
(202) 508-9100

Respectfully submitted,

By:

A handwritten signature in dark ink, appearing to read 'Sarah A. Kagan', written over a horizontal line.

Sarah A. Kagan

Registration No. 32,141



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/911,856	07/25/2001	David Mack	03848.81697

22907  
BANNER & WITCOFF  
1001 G STREET N W  
SUITE 1100  
WASHINGTON, DC 20001

CONFIRMATION NO. 4786

## FORMALITIES LETTER



\*OC000000006459220\*

Date Mailed: 08/22/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$2446.
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- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 3286.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- An abstract was not provided for this application. An abstract of the technical disclosure is required under 37 CFR 1.72(b).

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*A copy of this notice **MUST** be returned with the reply.*



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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

**FEE TRANSMITTAL**  
**for FY 2002**

Patent fees are subject to annual revision.

**Complete if Known**

Application Number	09/911,856
Filing Date	July 25, 2001
First Named Inventor	David MACK
Examiner Name	TBA
Group / Art Unit	1631
Attorney Docket No.	

TOTAL AMOUNT OF PAYMENT	(\$)	3,336.00
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**METHOD OF PAYMENT (check one)**

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:
- Deposit Account Number: 19-0733
- Deposit Account Name: Banner & Witcoff
- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
- ☐ Applicant claims small entity status. See 37 CFR 1.27
2. ☐ Payment Enclosed:
- ☐ Check ☐ Credit card ☐ Money Order ☐ Other

**FEE CALCULATION****1. BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	740.00
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

**SUBTOTAL (1)**

(\$) 740.00

**2. EXTRA CLAIM FEES**

Total Claims	107	-20 **	=	87	X	Fee from below	18	=	1,566
Independent Claims	14	-3 **	=	11	X	84	=	924	
Multiple Dependent					X		=	0	

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)**

(\$) 2,490.00

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	130.00
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17 (q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)**

(\$) 130.00

**SUBMITTED BY****Complete (if applicable)**

Name (Print/Type)	Sarah A. Kagan	Registration No. Attorney/Agent)	32,141	Telephone	202-508-9100
Signature				Date	October 23, 2001

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.